

REMARKS

Claims 1-6 and 8-11 are amended, claims 7 and 12 are canceled without prejudice or disclaimer, and claims 13-18 are added; as a result, claims 1-6, 8-11, and 13-18 are now pending in this application.

No new matter has been added through the amendments to claims 1-6 and 8-11. Support for the amendments to claims 1-6 and 8-11 is found throughout the specification, including but not limited the specification at page 6, line 23 through page 7, line 10, and at page 11, line 15 through page 12, line 16. Further, the preambles of claims 2-6 and 9-11 have been amended to overcome objections to these claims related to the language of the preambles.

No new matter has been added through new claims 13-18. Support for new claims 13-18 is found throughout the specification, including but not limited the specification at page 10, line 30 through page 11, line 13.

In the Specification

The specification has been amended in the paragraph beginning on page 5 at line 16 to correct obvious typographical errors. The paragraph has been amended to delete the number "28," wherein the number "28" included a strikethrough through the number itself. In addition, the paragraph has been amended merely to change the word "output" (singular) to "outputs" (plural).

No new matter has been added through these amendments to the specification. Applicants respectfully request that these amendments be entered into the specification of the present application.

Objection to the Claims

Claims 2-7 were objected to due to informalities. Specifically, the Office Action states,¹ "the phrase 'a method' should be 'The method'." Claim 7 is canceled, so the object to claim 7 is moot. Each of claims 2-6 have been amended to recite the phrase, "The method" as suggested in the Office Action. Therefore, the objection to claims 2-6 is overcome.

¹ See the Office Action at page 2, at item number 2.

Claims 9-12 were objected to due to informalities. Specifically, the Office Action states,² "the phrase 'A conditional access apparatus' should be 'The conditional access apparatus'." Claim 12 is canceled, so the objection to claim 12 is moot. Each of claims 9-11 have been amended to recite the phrase, "The conditional access apparatus" as suggested in the Office Action. Therefore, the objection to claims 9-11 is overcome.

Claim 8 was objected to because of the following formalities:³

"storage means should use the typical form 'means' for because the word 'means' is preceded by the word 'storage' in an attempt to use the 'means' clause served as a means for performing a specific function."

Claim 8 has been amended to delete the phrase "storage mean" from the language of the claim, and so the objection to claim 8 is overcome.

Applicants respectfully request withdrawal of the objections to claims 2-6 and 8-11.

§102 Rejection of the Claims

Claims 1-5 and 8-12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kamperman (U.S. 5,991,400). Applicants respectfully traverse the rejection of claims 1-5 and 8-11. Claim 12 is canceled, so the rejection of claim 12 is moot.

Claims 1-5 and 8-11 are not anticipated by Kamperman because Kamperman fails to disclose all of the subject matter include in any given one of claims 1-5 and 8-11. By way of illustration, independent claim 1, as now amended, includes:

"- storing the stream of encrypted data, wherein the stored stream of encrypted data does not include any entitlement control messages;

- storing items with decryption information for the stored stream of encrypted data independently retrievable from the stored stream of encrypted data, wherein the items with decryption information include the entitlement control messages for decrypting the stored stream of encrypted data;

- storing synchronization information linking respective points in the stored stream of encrypted data to respective ones of the items with decryption information;

² See the Office Action at page 2, at item number 3.

³ See the Office Action at page 2, at item number 4.

- replaying a stored part of the stored stream of encrypted data;
 - retrieving the items with decryption information for the points in said stored part during said replaying; and
 - combining the retrieved items with decryption information with the retrieved stored part during replay at times selected under control of the synchronization information."
- (Emphasis Added)

Thus, the stored stream of encrypted data in independent claim 1, "does not include any entitlements control messages." Further, independent claim 1 requires, "storing **items with decryption information for the stored stream of encrypted data independently retrievable from the stored stream of encrypted data**, wherein the items with decryption information include the entitlement control messages for decrypting the stored stream of encrypted data." (Emphasis added).

In contrast to independent claim 1, Kamperman discusses recording a transport stream TS together with the accompanying entitlement control messages ECM, wherein Kamperman states:⁴

The video tape recorder VTR receives an input signal for recording from the multiplexer/demultiplexer MDX. The input signal comprises the transport stream TS. **Thus, the video tape recorder VTR may digitally record any pay-TV program in a scrambled form, together with the accompanying entitlement control messages ECM.** When the recorded pay-TV program is played back, a recorded transport stream TS-R is supplied to the demultiplexer DMX, via the multiplexer/demultiplexer MDX. Accordingly, the demultiplexer DMX will supply recorded entitlement control messages ECM-R to the security device SCD and a recorded scrambled video signal SV-R to the descrambler DSC.

Thus, Kamperman records a input signal in a scrambled form, together with the accompanying entitlement control messages ECM. However, there is no disclosure in Kamperman of, "storing the stream of encrypted data, wherein the stored stream of encrypted data does not include any entitlement control messages," as required by independent claim 1.

⁴ See Kamperman at column 5, lines 53-65.

Further, since Kamperman concerns storing a transport stream TS along with the accompanying entitlement control messages,⁵ Kamperman also fails to disclose . . .

"storing items with decryption information for the stored stream of encrypted data **independently retrievable** from the stored stream of encrypted data, wherein the items with decryption information include the entitlement control messages for decrypting the stored stream of encrypted data" (emphasis added)

. . . as required by independent claim 1. Because Kamperman fails to disclose all of the subject matter included in independent claim 1, independent claim 1 is not anticipated by Kamperman.

In another illustration of subject matter included in claims 1-5 and 8-11 and not disclosed by Kamperman, independent claim 8, as now amended, includes:

"- a storage unit, the apparatus being **arranged to store the stream of encrypted data in the storage unit, as well as storing items with decryption information for the encrypted data independently retrievable from the stream of encrypted data**, and storing synchronization information linking respective points in the stored stream of encrypted data to respective ones of the items with decryption information." (Emphasis added).

For reasons analogous to those stated above with respect to independent claim 1, independent claim 8 is not anticipated by Kamperman because Kamperman fails to disclose at least the subject matter included in independent claim 8 as quoted above.

Claims 2-5 and 9-11 depend from one of independent claims 1 and 8, and so include all of the subject matter including in the independent claim from which they depend, and more. For at least the reasons states above with respect to independent claims 1 and 8, claims 2-5 and 9-11 are not anticipated by Kamperman.

Applicants respectfully request reconsideration and withdrawal of the rejection, and allowance of claims 1-5 and 8-11.

§103 Rejection of the Claims

Claims 6-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kamperman (U.S. 5,991,400), in view of Peterka et al. (U.S. Patent 2002/0170053, hereinafter

⁵ Applicants do not admit or agree that the transport stream in Kamperman discloses the stream of encrypted data in independent claim 1.

"Peterka"). Claim 7 is canceled, so the rejection of claim 7 is moot. Applicants respectfully traverse the rejection of claim 6.

Applicants believe they have established that the subject matter of independent claim 1, at least as now amended, is not disclosed or suggested by Kamperman. The addition of Peterka fails to remedy the deficiencies of Kamperman, wherein independent claim 1 includes subject matter not disclosed or suggested by the proposed combination of Kamperman and Peterka.⁶

Claim 6 depends from independent claim 1, and so includes all of the subject matter included in independent claim 1, and more. For at least the reasons stated above with respect to independent claim 1, the proposed combination of Kamperman and Peterka fails to disclose or suggest all of the subject matter included in claim 6.

Therefore, claim 6 is not obvious in view of the proposed combination of Kamperman and Peterka.

Applicants respectfully request withdrawal of the rejection, and reconsideration and allowance of claim 6.

New claims 13-18

New claims 13-18 include independent claim 13, and claims 14-18 that depend from independent claim 13. Independent claim 13 includes subject matter not found in the documents cited in the Office Action, and therefore independent claim 13 is patentable over the documents cited in the Office Action, even when these documents are considered alone or in combination.⁷ Thus, independent claim 13 is allowable in view of the cited documents from the Office Action.

Claims 14-18 depend from independent claim 13, and are accordingly allowable for at least the same reasons as stated herein with respect to independent claim 13.

Applicants respectfully request consideration and allowance of claims 13-18.

⁶ Applicants do not admit or agree that any combination of Kamperman and Peterka is possible.

⁷ Again, Applicants do not admit or agree that any combination of documents cited in the Office Action, including any combination of Kamperman and Peterka, are possible

Reservation of Rights

In the interest of clarity and brevity, Applicants may not have addressed every assertion made in the Office Action. Applicants' silence regarding any such assertion does not constitute any admission or acquiescence. Applicants reserve all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicants do not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicants timely object to such reliance on Official Notice, and reserve all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicants reserve all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 612-371-2132 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
612-371-2132

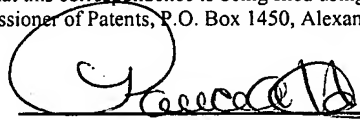
Date: June 27, 2008

By Robert B. Madden
Robert B. Madden
Reg. No. 57,521

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 27th, day of June 2008.

PATRICIA A. HULTMAN

Name


Signature